

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 201A.5 and 201A.8, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 43, “Fertilizers and Agricultural Lime,” Iowa Administrative Code.

The proposed amendments increase the cost of testing an individual sample of agricultural lime from \$25 to \$60. The fee for sampling has not been increased since 1988. The proposed amendments also reduce the number of samples that have to be taken. The proposed amendments are designed to help address needs at Iowa State University’s laboratory.

Any interested persons may make written suggestions or comments on the proposed amendments on or before September 24, 2013. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to [Margaret.Thomson@IowaAgriculture.gov](mailto:Margaret.Thomson@IowaAgriculture.gov).

The proposed amendments are subject to the Department’s general waiver provisions.

After analysis and review of this rule making, no adverse effect on jobs has been found.

These amendments are intended to implement Iowa Code section 201A.5.

The following amendments are proposed.

ITEM 1. Amend subrule 43.20(2) as follows:

**43.20(2) Sample fee.** The manufacturer or producer of agricultural lime, limestone, or aglime shall pay a fee of no more than ~~\$25~~ \$60 per sample collected. This fee may be adjusted by the secretary of agriculture by a separate notice letter to each manufacturer or producer to reflect as accurately as possible the actual cost of sampling and testing expended by the Iowa department of agriculture and land stewardship and Iowa State University for each sample taken at the manufacturer’s or producer’s facilities.

ITEM 2. Amend subrules 43.32(1) and 43.32(4) as follows:

**43.32(1)** Samples of agricultural liming material for analyzing the number of pounds of ECCE shall be obtained by taking samples from the manufacturer’s production belt or stockpile. Samples A minimum of one sample and up to five samples shall be taken at locations where there are permanent production facilities once each calendar month during the months year that agricultural liming material is being produced. Samples shall be taken at locations where there are no permanent production facilities once during the first week time that a portable plant is at the location producing agricultural liming material and once each week. Subsequent samples will be taken either during the period that the portable plant is at the location or from the stockpile created, until a total of three to five representative samples from the pile have been accumulated and submitted for analysis, after which a sample shall be obtained and tested once each calendar month during the months in which agricultural liming material is being produced. The manufacturer or producer of agricultural liming material shall notify the secretary of agriculture or person or persons appointed by the secretary of the production of agricultural liming material seven calendar days prior to the manufacture or production of agricultural liming material so that samples may be obtained by a person or persons appointed by the secretary in compliance with this rule.

**43.32(4)** Samples of water treatment plant lime for analyzing the number of pounds of ECCE shall be obtained by taking samples from the water plant designated sampling point. Samples shall be taken

~~once each month during the months~~ when agricultural liming material is being taken off-site for land application. The producer of the agricultural liming material shall notify the secretary of agriculture or person(s) appointed by the secretary about the intent to land apply the liming material seven calendar days prior to the land application ~~of~~ when agricultural liming material is stockpiled so that samples may be obtained in compliance with this rule.

ITEM 3. Amend rule 21—43.34(201A) as follows:

**21—43.34(201A) Sample fee.** The manufacturer or producer of agricultural liming material or specialty limestone shall pay a fee of no more than ~~\$25~~ \$60 per sample collected. This fee may be adjusted by the secretary of agriculture by a separate notice letter to each manufacturer or producer to reflect as accurately as possible the actual cost of sampling and testing expended by the Iowa department of agriculture and land stewardship and Iowa State University of Science and Technology for each sample collected.

ITEM 4. Amend subrule 43.35(1) as follows:

**43.35(1)** The secretary of agriculture shall, upon receipt of the analysis provided in rule ~~21—43.33(201A)~~, certify the number of pounds of ECCE, using the method provided in rule ~~21—43.31(201A)~~. The certification shall be forwarded to the manufacturer or producer from whom the sample was obtained by written notice and sent by United States mail.

Each certification of ECCE ~~shall~~ should be based on the average of a maximum of five analyses from five samples. Each new analysis received ~~shall~~ should be added to the previous five analyses and the oldest analysis shall be omitted. Fewer than five analyses shall be averaged on the basis of the actual number of analyses. Nothing in this rule shall preclude a manufacturer or producer from having a certification on separate stockpiles of agricultural liming material provided that each stockpile shall be separated from any other stockpile and each separate stockpile has been sampled and certified as required.